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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.M.P.(MD) No.3817 of 2020

in

A.S(MD)SR.No.26320 of 2020

1.Amsalakshmi Nachiar
2.Jeyasudha
3.Sivasankari

... Petitioners/Appellants

VS.

1.Pandi Ammal
2.P.Kalai Arasan

... Respondents/Respondents

Prayer in C.M.P.(MD) No.3817 of 2020 :- Petition filed under Order 41 Rule 3A of Civil Procedure Code, to condone the delay of 654 days in filing the above appeal suit against the judgment and decree, dated 22.08.2017 made in O.S.No.41 of 2009, on the file of the learned District Judge, Sivagangai.



Prayer in C.R.P.(MD) SR No.26320 of 2020 :- Petition filed under Section 96 of the Civil Procedure Code, against the judgment and decree, dated 22.08.2017 made in O.S.No.41 of 2009, on the file of the learned District Judge, Sivagangai.

For Petitioners : Mr.S.Srinivasa Raghavan
For R1 : Mr.G.Prabhu Rajadurai

JUDGMENT

This petition has been filed to condone the delay of 654 days in filing the appeal suit. This Court, in the earlier hearing date ie, on 12.08.2022 directed the Petitioners to deposit a sum of Rs.10,000/- to the credit of C.M.P(MD)No.3817 of 2020, failing which, the petition shall stand dismissed for default automatically without further reference to this Court and adjourn the matter today i.e., on 26.08.2022. Today, when the matter is taken up for hearing and a perusal of the records shows that the Petitioners have not even complied with the earlier order of this Court, dated 18.08.2022. This shows that the Petitioners are not interested in prosecuting the Miscellaneous Petition as well as the main appeal suit



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diligently. Hence this Court has no other option except to dismiss the Civil Miscellaneous Petition for default. Accordingly, the Civil Miscellaneous Petition is dismissed for default. Consequently, Registry is directed to return the grounds of appeal filed by the petitioners/appellants. No costs.

Index : Yes / No

29.08.2022

Speaking Order : Yes / No
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To

1. The District Judge,
Sivagangai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.
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